P. 2-236 of 92-93 1-51.

Inam

The following particulars are from the Taluka Notice Reg. (Extract) of 1879.

Name of Village – Kalgere

Name of Holder – Giriyappa alias Swappa (dead)

Present incumbt – Swappa acting

Guardian of minor – 2. Nagani Shanbhog Rudrayya was looking after his Shanbhogi. Swappa petitioned that work should be taken from him. When inquiry was being made he (Swappa) died.

The following persons claim the Shanbhogi —

1. Giriappa – on the ground that the deceased Swappa had been given in adoption to Basha

Reddy, Jada, Kati Le
(Sivappa) left heirs
kidar Son Children behind
him, Kati Le (Nirappa)
left his natural Son
of Sivappa, and Kati Le
Ni (Nirappa) Son
Gurudappa (1st Defe-
Respt). should be
substituted. Gurudappa
prays also in his
same effect.

2 Rudrappa - on
his ground that
he is Cousin of the
deceased Giriyappa
(alias Sivappa).

3. Gurunamappa
(Offr- 4th Respt) - on
his ground that
Ni (Land) has
been transferred
to him by a will.

A report was submitted.
Order No. 1062 has been
received to recommend
a fit person on behalf
of Govt. as none of the
claimants has esta-
blished his right.

The Amount of Poreji is - Rs 36/8.

3

of the Claimants Ruddy
pa who has proved, Guru
Nathappa is Standard
of another Caste - on
the Case of the deceased
natural father, Guddappa
stands as a Karadar -
If his man cannot
be appointed, Rangappa
living in Jade Karaba
may be appointed.

D/. 5. 3. 1879
Sd/. Lingappa
Amildar.

The said Sub-Du Asst
Com. passed the following
order on the above -

" Parties Lingappa
alias Guddappa is dead.
One Gurunathappa
deceased Ex-Shambhoga
under a will. Guddappa
Ruddappa based his
claim on his being the
deceased's distant Cousin
A third man by name
Guddappa asserts his
claim being a Cousin
of the deceased on the
Father's natural father's
side. The 1st Claimant
has been already appointed

Siccacholy. No 2 has
forfeited his own Shaft
Chopi as remarked
against Circle No. 115.
Neither of these have
(has) any claim
now the 3rd claimant
Guddappa. Thus it is
left for the Govt. to
select a man to this
Circle. As Guddappa
is fit he may be
appointed on behalf
of Govt.

Sd. B. Venkatrangaya
5/3/29 Asst Comr.

The Dy Comr passed the
following order —

No objections were
made to these decisions
and nominations
they are confirmed
accordingly.

Sd. 7.3.81. 89 V.N. Narasimhaya
Dy Comr

The order Barabaluti
Regn in the Record
of Year of 1865.
In it the name of Siriyappa
alone is mentioned
under the head "Registered"

6

Translation of the Sale deed (Exhibit C):—

Sale deed dated the 12th June 1838 corresponding to the 5th M.D of Jyeshta of the year Vilambi Executed in favor of Venkappia Son of nadiga Rania of Chandragitti by Giriyappa Son of Venkappia and grand-Son of nadiga Giriyappia of 'Jade' runs as follows:-

As my grandfather Giriyappa had taken 105 pagodas on account of government demands and Executed a mortgage deed in favor of Thavanandi nadiga Virupia mortgaging to him our ancestral nadigyaship and the Shanbhogi of 'Jade' together with the lands attached thereto, my grandfather the said Giriyappa caused the amount due to the said Thavanandi nadiga Virupia to be paid to his Son Sivappa by your father Ranappa and gave the said mortgage deed to you (your family). This nadigyaship has accordingly passed to

you (your family) by way
of mortgage. It was thus
enjoyed for some time by
our elders and for some
time by your elders. Matters
having stood thus, and
I also having been unable
to look after the nadipaship
all the lands, house &c came
to a ruined state. I was
living in a foreign place
and was helpless. Under
these circumstances, I came
to you and represented
that I had not married,
that my family would
become extinct, that the
estate not having been
(properly) managed either
by you or by me would
become useless, that there
was no hope that I would
in future be able to look
after the nadipaship and
~~to~~ liquidate the debt
due to you by me, that
the estate had however
been mortgaged to you by
my elders, that you should
enable ~~me~~ me to marry
and thus save my family
from becoming extinct,
and that, in consideration
of this, I would sell to you
this nadipaship, together with the

Nadigashipp of Jade, (such
as accounts &c), get the
said lands transferred
to your name, pay the
Sirkar dues and enjoy
the property from poster
to posterity. Excepting
the lands in Kalagéri
village that I have, as
mentioned above, reserv
for myself, you may
enjoy all the remaining
lands together with the
Kittal, Kappal, manure
pits &c attached thereto
and be entitled to the wate
treasure, stone, trees, such
as jack, mango &c
cocoanut &c that
may be contained in
these lands or found
upon them, and all the emoluments enjoyed by our fami
In addition
to these, you shall also
be entitled to whatever
lands, houses &c that
you may acquire from
the nadigashipp. I shall
have nothing to do with
the lands, houses &c attache
to the said nadigashipp.
Any charges or liens on
this nadigashipp that migh

X
(torn in orig)

have been created by
myself or my elders shall
not affect your rights.
To this effect I execute
this sale deed with the
consent of my "dayādees"
&c.
As there is no stamp
paper (with us) just now
and as I have to go
immediately for my marriage
I have executed the docu
-ment on this (plain) paper,
and have received the
mentioned above
moneys. After the marriage
is over, I shall come back,
I shall execute the bond
de novo, with the full
particulars above mention
-ed and shall take back
the bonds formerly executed
by me and my elders.

sd/- x x
(mahratti)

witnesses:

sd/- Krishnabhatta
sd/- - - (mahratti)
do. do.

sd/- - Chidambara bhatta
(in nagari)

sd/- x x

written with the consent
of the above

sd/- Ramappa of Bhanda
puttinagani (duty & penalty levied)

x x

Rck

16

property belonging to me
shall, after my death, pass
to the said Gurappa and
he shall be entitled to the
same.

(Sd) × ×

(in Mahratti)

witnesses:

Sd - - - - Veeria

Do. N. Bhadrappa Gowda

Do. - - - Chenna Basia

Do. - - - - - - - -

written by Kalingappa's
son Séshagirigappa.

× × ×

Ben

Mr 122 of 1891-92

Apht.
Gurunathpa

Respt
1 Gudalappa
2 Rudrappa
3 Martandappa

In ~~1887~~ 1837 Apht's grandfather
purchased the Shanbhogi Hukk of one Girimallappa
& the purchase was recognised by the Supt
of Nagar Division, & an order was issued to register
the Hukk in the names of apht's grandfather
Krishnappa.— The sale deed does not mention
the names of the villages in which Girimallappa
held the Hukk, but alludes to #t the Shanbhogi
Hukk of Girimallappa.—

In 1873, ~~the~~ apht was appointed
Shanbhog in the place of her grandfather. for the

The accounts of 1850-51 & 1870-71,
show that apht's ~~father~~, grandfather, father,
& uncle were doing the duties of the office ~~of~~
~~all the villages including~~ of the villages
now in dispute i-e Kalagiri — ~~Hukk~~.

The Regr of 1844, shows that the office of
all the 16 villages of Girimallappa including 4 villages now in dispute
held by the grandfather of apht, but

1 Villages near Calicut

1 Idade
2 Kalicutta
3 Madapura
4 Dagler
5 Worthey Kuppha
6 Tuvari Kuppha ×
7 Kurkuppha
8 Horaje
9 Mapulipee
10 Magapura
11 Tanneer

12 Masapura ✓
13 Maverpam Koma
14 Tanneer
15 Tannanje
16 Kastapatta

1 Halekotta
2 Kasbu (Idade) ✓
3 Kalicutta ✓
4 Segerpura
5 Kalgero — uncertain
6 Dagler ✓
7 Kallar Worthey Kuppha ✓
8 Hosketta ✓
9 Hurkuppha
10 Dalgere

in the Year of 1865, the village under notice was entered in the name of Gurupadha, the owner Huskour, ~~of the village~~

6 villages were entered in the name of Appoo [illegible] one village in the name of one Venkappa, & one in the name of Nurrapha. The other villages do not appear in that Year.

1 Jade
2 Kalleshe
3 Narayan
4 Cheglu
5 Vanka
6 Suver
Sept

X Halak

0 Segu

In the Year of 1866 there were 2 families — viz
1 Balappa
2 Gurupadha
Rangere entered in the name of Venkappa

~~In the Year 1865~~

In the Year 1867 in the village real property under

Parkappa Shanbhog
Nilla Senappa was examined
Deposes on behalf of
Gurupadha —
That Senappa says he
was doing duties on behalf
of Nilvappa, in 2 Years —

Nilvappa says he was
doing duties —

9

17

Petition No 122 of 1891-92

Appellant

Gurunathappa

Respondent

(1) Gundappa

(2) Rudrappa

(3) Marlandappa

Gumasta of No 1

The Shanbhogi right of 16 villages known as Jodi Nagani formerly belonged to two individuals named (1) Girigappa and (2) Balappa. Girigappa sold his right in all the villages to the grandfather of the appellant in 1837 and the purchase was recognised by the Superintendent of Nagar

Division who issued an [illegible]
orders that the Shanbhogi
~~may~~ might be registered in the
name of the purchaser's
son the Krishnappa as agreed
to by the parties. The sale deed
does not enumerate the
villages in which the owner had the
~~right~~ Shanbhogi
~~duty~~ ~~rights~~ but ~~says~~ states that
the whole of Giriyappa's stock
was sold. It is however
mentioned in it that the
Inam lands in the village
of Kalagiri were retained
by the seller for his livelihood.
In the Register of 1844, the
names of Belappa and
Krishnappa above mentioned
are entered against
all the 5 villages, including

Kalagiri, but in the Register of 1865, Girijappa is entered as the Shanbhogue of Kalegiri, Balappa's son Rudrappa as the Shanbhogue of the village Jigerikuppa, one Venkappa as the Shanbhogue of Kalekuppa, and appellant's grandfather's uncle as the Shanbhogue of 6 villages.

In 1873 appellant was appointed as Shanbhogue in the place of Srinivappa, but in the list of villages submitted by the Amildar, ~~according to the Collector~~, Kalegiri, ~~the village under dispute~~, does not appear.

Girijappa died

A with her recommendation for the appointment of the appellant

in 1877 & in 1879 when W
settlement
Patiganhalli took place, the
Assistant Comr appointed
the 1st Respondent as
Shanbhogue of Kalegiri and
this appointment was
confirmed by the Dy Comr
in 1881. First Respondent
was the uncle's son of
Girijappa but admittedly
not his heir at Law, as
Girijappa was adopted
into a different family
to which the Shanbhogai
[illegible] belonged. So, the
1st Respondent was appointed
not as a heir to Girijappa
but as a Govt Nominee.

under notice which bear the signatures of appellants father, uncle, and grand-father's brother as Shanbhogue, and the only evidence against him is the Register of 1865 which shows that Giriappa was Shanbhogue. This entry is probably due to the fact that Giriappa was enjoying the Inam lands according to the terms of the sale deed 1867. The Register of 1879 shows that the work of Shanbhogue for this village was then being performed by one Sinappa, and this Sinappa has deposed that he did not do the work on behalf of Giriyappa but on behalf of Rudrappa the 2nd respondent who was the son of the 2nd

Hiccadar Balaffa.

From all the facts stated above the following facts are established. Viz

First. That the entire Mirch of Giriaffa was sold to Appellant's Grand-father in 1837.

Secondly. That Appellants' family did duties of the office of Shanbhogue of the village under notice till 1871. ~~or so~~

Thirdly. That for some reason or other, Appellants' family ceased to do duties of the village under notice somewhere about 1872 and that the duties were performed by Sivaffa on behalf

of

Vs of the 2d Respondent

4th. That Giriyappa enjoyed only the Inam lands of Kalegiri without doing Service

5th That the 1st Respondent is as admitted by himself in no way heir at law to the deceased Giriyappa

6th. That the alleged will of Giriyappa is not true.

Second Respondent says that he has no right to the village under Justice and the 3rd is only a Sumasta of the 1st. Some of the

Inam lands enjoyed by
Giriyappa have been
since resigned by the
appellant and have
passed into the hands.
The others are still held
by the appellant

Under all the
circumstances of the
case, the Court Considers
that Appellant has
better claims than the
1st Respondent. It is
true that the alienation
of service Inams is illegal,
but in this case, the alienation
took place more than
50 years ago and
has been recognised

6

by the Revenue authorities. The Court therefore resolve to set aside the decree of the lower Court and direct that Appellant be appointed as Chandkhoje.

7/9/92

In the said Municipal election for [illegible] the [illegible] duly [illegible] Calpin was [illegible] excluded from the [illegible] The entry in the [illegible] of 1895 [illegible]

Municipal [illegible] in [illegible] and the name [illegible] Calpin

Appellant [illegible] [illegible] 1892, [illegible] [illegible] in 1887. [illegible] he has been in [illegible] [illegible]

I think under the [illegible] appellant [illegible] [illegible] [illegible] Act.

Judgment the [illegible] [illegible] as I [illegible] [illegible] [illegible] [illegible] [illegible]

GM 13/9/92

(General Serial No. 32.)

MYSORE DEWAN'S O
RECTION DEPARTM
189 CAMP Mysore

No. 1638 REGD. No. 554
DATE 24-10-91

Name of Petitioner. Gurumallaya of Jade

Village.

Taluk. Sorab

District. Shimoga.

Date of Arzi. 20th Octr 191.

Date of Receipt.

Date of Disposal.

No. of Enclosures. Five -

ABSTRACT.

Petitioner appeals against the order of the Deputy Commissioner, Shimoga dist in Rev: Case no 6 of 1890-91 31 20th July 1891, disallowing his claim to the office of Shanbogu of Kaligere village, Jade Magne Sorab Taluk.

Case for Rev.
Ld
7/11/91

Camp Miri
1 Respite
+ Interim Stay
this appeal

MYSORE COURT FEE

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. No. 1638 R
DATE 26-10-91

In the Court of ~~the Assistant~~
to His Highness the Maharaja of Mysore

Appeal No. 123 of ~~Petition~~

Revenue ~~Second~~ Appellate of 1891-92

Gurunathappa of Jade, Sorab Taluk. Appt-Plff

~~Hf~~

Gudisiddha residing at Gandi, Taluk Sorab & Respondent
Gangal, District Dharwar & Defendant.

Gurunathappa the appellant above named begs to appeal to this Hble Court against the decree and judgment of the Asst Commissioner at Shimoga in Revenue Case No 6 of 1890-91 dated 2nd July 1891 on the following grounds.

1 The judgment of the lower Court is against law, Equity and the probabilities of the case.

2 In a true and proper construction of Ext C, coupled with the Mayar Division Superintendents order No 213 dated 3rd July 1837 and the contents of the Barabandy Register 1844, the lower Court ought to have found the Birkdary of the office in question fixed to the Pliffs ancestors in 1837.

3 The lower Court has wrongly found that Girijamba had retained the Hegadey Shanbhogue through the oral and documentary evidence adduced on behalf of both parties, which goes to show that the Pliffs ancestors and the joint Shanbhogue were alone officiating as.

RECEIVED COVERNMENT PLEADER'S COURT FEE 28 JAN 92

as Mortgagees while Canadian had never officiated as Trustee.

4. That the Lower Court has wrongly construed the meaning of St. (C) the said deed — the name of Canada appeared in the Patent Register of 1855 simply because he had retained the Indian Lands at Caligary for his maintenance.

5. The Lower Court has erred in not taking into consideration all the records mentioned in para 2 in deciding whether the suit had been instituted upon the will and the said deed.

6. The Lower Court has erred in finding the Petition as being time barred.

7. That the Suit has been within 12 years from date of Cause of Action (1879) & date of adverse possession by Seriatary office, and must be governed under the limitation provided in Article 24 of the 2nd Schedule of the Limitation Act No XII of 1877

8. The suit is for the Standing Litigation which is an Seriatary office and

that for the execution of another, and the Lower Court is wrong in declaring that it is governed by Article 14 of Schedule 2 of the Limitation Act.

9. That from and of the year 1837 up to 1879, Pipi Ariki and Rudraiger Singh Ajodhi Ariki were in succession of the Chiefship which will be proved in the Potiga Register of 1879.

10. That the above succession of the hereditary office of the Chiefship in question took place in the year 1879 (vide Potiga Register vol 115-16 and 117 hereto referred)

11. That all the property mentioned in the will is in Pipi's possession and he had no occasion to sue and prove it except in the present case it has been produced and witnesses duly established its genuiness.

12. That the said deed conveys only certain specific rights, but the will conveys movable and immovable property of Pipi and therefore the Chiefship is incidentally referred in the will which does not invalidate it.

34

The Appellant therefore humbly prays that the honorable Court will be pleased to hear this appeal and reverse the judgement of the Lower Court.

[illegible]

Dupont
23rd Oct. 89

(General Serial No. 30)

189 2.

From The Chief Secretary to the Government of Bengal

To The Agent to the Governor General in Rajputana

Dated

Despatched April /92

Received

Enclosures No.

General No. 194 K

No. P 1

Forwarding letters in duplicate with a request that they may be served on Respondent Gurdassmal bin Jiwappa residing at Gondal Kattiawar Estate

No 194 R
" P. No 1

To

The Agent to the Resident
at Mysore

Sir,

I am directed by the Govt
to forward the accompanying
and to request that you will
cause it to be duplicated for transmission
to the collector of Dharwar
for service
to be served on
Gundappa
Respondent Govindappa Son
of Jivappa, residing at Gooty,
Dharwar Dist.
Hanagal Taluk. The original
to this Office
being returned with the mode
of service duly endorsed thereon

I have &c

Draft—

MM
4/4
Chief Secretary

35

(General Serial No. 30.)

OFFICE C
1892 2644
Vol. 161

From Pte 1st Batt Border Regt
in Bazaar

To

Dated 4th June 1892

Despatched

Received

Enclosures No. one

General No. 1853
No. 38-92

Returning a notice dated
Issued in Respect of
Gundapaidin Irappu
residing at Gondi, Kuppal
Taluk & Canara District

A
7-6-92

G O No. 1853 / 38-92 Ex 1

From

The FIRST ASSISTANT to the RESIDENT in MYSORE.

To

THE DEWAN of MYSORE.

Dated Bangalore, 4th June 1892.

Sir,

I am directed to return, duly served on Respondent Gundappa s/o Jivappa, residing at Gondi, Hangal Taluk, Dharwar District, the notice received with your letter No194 dated 7th April 1892.

P.NC-1

I have the honour to be,

Sir,

Your most obedient servant,

for 1st Assistant to the Resident.

Petn Branch.

file recd: with records in the case. Issue 4/6

(General Serial No. 30.)

1892.93

From

The Chief Secretary
to the Dewan of Mysore.

To Dy Comr Shimoga

Dated 27-
Despatched 1-2-93 } Dec 1892
Received

Enclosures No.

General No. 9957
F. D. No. 236-92

References to be marked.

Mysore Govt. C. Press, Bangalore.—9-1-93.—3,000.

(1)

Petition No: 122 of 1891-92.

Appellant.
Gurunathappa
of Sorab Taluk
Shimoga District.

v/s

(1) Gundappa
(2) Rudrappa
(3) Marlundappa
Gumasta of No 1

The Appellant seeks to recover the Shambhoga Right of the Kulgere village, Jade Magani, Sorab Taluk.

2 The Shambhoga of the Jade Magani consisting of 16 villages was formerly registered in the names of (1) Giriyappa & (2) Balappa. The former sold his right in all the villages to Venkappa

(Appellants grandfather's
brother) in 1837 &
and the purchase
was recognized by the
Supdt. of the Nagar Dn:
who ordered that the
Shanbhogi might be
registered in the name
of the purchasers brother
Krishnappa (Appellants'
grandfather) as agreed
to by the parties. The
sale deed does not
enumerate the villages
in which the owner had
the Shanbhogi right but
recites that the whole
of Giriyappas Hâk was
sold. It is however
mentioned in it that
the main lands in
the village of Kalgere
were retained by the
seller for his livelihood
In the register of 1844,
the names of Balappa
& Kristappa above named
are entered against
all the 16 villages including
Kalgere.

ಆಜ್ಞಾಪತ್ರ ೨೦-೦೨೯೭

11-1-93

No. 1631

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
27 December 1892.

Respondents - Gurusiddha, Rudrappa and Virabhadrappa, Sumasta of Sirsi

Endorsement granted to Gurumallappa Naik of Sorab Taluk
in reply to his Petition Registered No. 1638 dated 26th October 1892.

Petitioner is informed that the appeal has been dismissed as Government see no sufficient grounds to disturb the arrangement which has existed since 1871 for nearly 20 years.

2 The papers are returned.

"By Order,"

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.

(General Serial No. 32.)

1893.

Mysore

No. 3369

Name of Petitioner. Nadig Gurunatha bin Ramachendra

Village. Jadé Mlapain

Taluk. Sorab

District. Shimoga

Date of Arzi.

Date of Receipt. 19.6.93.

Date of Disposal.

No. of Enclosures. — Nil —

ABSTRACT.

Review application regarding petitioner's ap for the Shanbhogship of ce -tain villages in the Sorab Ta

Order

Govt see no reason to re-open the case.

24/8/93

2/8

PETITION DEPARTMENT
RECD. NO. 33594
DATE 22-7-94

394
12-6-93

(General Serial No. 82.)

1893.

No. 382

Name of Petitioner. Nadig Gulamathsha

Village. Jadada Nagani

Taluk. Sorab

District. Shimoga

Date of Arri. 1-8-93

Date of Receipt. 7-8-93

Date of Disposal.

No. of Enclosures. two

ABSTRACT.

With reference to this office endorsement No: 5369, the petitioner applies for a stamp to file a petition to make up the defi... & prays that his appeal dated the June may be admitted & favourable orders passed on it.

The chief ground is that his suit is not barred by limitation for the following reasons:-

(1) that the land was the 1st time came to his present office only after the further Sarji Settlement in 1879,

(2) that the petitioner was in possession & enjoyment of his joint Hak till 1879,

(3) & that accordingly his appeal in 1891 was within 12 years after the change took place.

Note Reference No. 5369 of 1893

382

7-8-93

[redacted] 3369 9.12
2

571 21 0005 12/9/93

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
12/9 189 (1

Endorsement granted to Nadiga Gurunathappa of Sode
the Sorab Taluk

[redacted]

1893

In reply to his Petition Registered No. 3369 x 392 dated 19th June & 1st August praying for Revision of Order dated 4th January 93, regarding the office of the Shanbhogship in the Sorab Taluk.

Petitioner is informed that Government see no reason to re-open the case.

2. The enclosures are herewith returned.

cep
5/9/93

Draft
(Councilorder)

"By Order"

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

G. R. S. IX-5]

Previous references. 1891-92

~~192~~ .

(R. D.)

Later references.

File No 206-1892

Serial Nos. 1—10

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 10

Part B for September 1893

SUBJECT.

Appeal of Gurunathappa s/o Sade claiming the Shanbhagi Hak of the Kalgere, Sorab Taluk.

The Nadiga Gurunathappa s/o Sade
Sorab Taluk.

No 3369 dated 12-9-93.

Sl. 10 Informs him that there is no reason to re-open the case.

WD 2283—GPB—20,000—14-6-20

S

2

"Person actually doing duty".

KL

2/3/92

all the lands, houses, umbli
and all other emoluments
including govt emoluments
attached thereto that had
been enjoyed by our family
out of the umbli and
melvasi lands attached
to the nadigaship of Jade
"Shelapratis" I have re-
-served for my maintenance
the melvasi and umbli
lands situate in Kalagin
village, x x x

(in the original)

in all, lands assessed at
11 pagodas. Excluding these,
the remaining (estate) viz,
the nadigaship of Jade,
the Shanbhogi lands in
the melvasi and umbli
villages that have
been continued to us from
the beginning, x x

(orm)

in Kusba Jade village,
4½ pagodas in Bhagatur
village, 10 pagodas in
Nunagi village, ~~[illegible]~~
9 pagodas in - - koppa villg
6 pagodas in Kamarur
village, the Shanbhogi lands
assessed at 3 pagodas in
- - - koppa village, 2½
pagodas in - - - village,
- in all lands assessed
at 44 pagodas, together

(torn)

the "vartane" "mayari"
: all emoluments
ched to the nadiyaship,
ane sold to you with
free will and consent
r a sum of 334 pagodas
eing the price settled for
he particulars relating
to this amount:-
x 5 pagodas being ~~the~~
amount due in respect
of the mortgage made by
our elders, 32 pagodas
being the amount taken
on account of my father
venkappia's marriage afte
receiving a bond for it,
the amount of interest
due on the (latter) sum up t
date being 32 pagodas,
the amount I have now
received in cash from you on account
of my marriage, 165 pagodas,
total amount being 334
pagodas.
I have sold to you the above
for the total amount of
334 pagodas. I shall
present a Kabuli myself
to government and shall
get the nadiyaship entered
in the name of your younger
brother Krishnappa.
I shall accordingly
look after the

12

Translation of the will exhibit A:——————

Will dated the 22d August 1874 corresponding to the 10th m. S.g Sravana of the year Bhava executed by giriyappa son of Sadiga venkappa, residing at Jade' in Sorab Taluk, runs as follows:—

My age is 50 years and I am getting old. For the last 15 or 20 days I have been suffering from cold and fever and have been consequently very weak. I do not think I can recover from this ill-ness. I have no heirs, no wife and no children. Beside, Gurappa grandson of Sadiga Krishnappa residing in the said Jade' village has been attending to my wants during my ill-ness by giving me food &c and I have been pleased with him. On these considerations, I execute this will in the presence of the persons assembled, that after my death the said

Gurappa should take all my movable and immovable property and enjoy the same and that he himself should cause my obsequies etc to be performed.

Particulars relating to my property:-
Lands situate in Kalageri village in this magani:

Survey No.	name of Gani	extent	assessment
48	Mélu vasi gani	9.18	30
25	Kulakarni Kumbli	4.13	11
10	Kumbli Hukkéri	4.22	1¼
12	Hiri Kudigi gani	12.29	37
pt of 42	Harendahukkéri	2.27	2

In addition to the above my "Kai hittal" situate in the Gavathana of this village, the "hittal" in Kusba gadi survey no 166, extent 1.5 and assessment 0.8; and also the movable property viz:- Mare 1, cow 1, she-calf 1, copper "Koda" 1, "Kaple" 1, Kambigés of brass 2, Vé and the Shanbhagi. In short, all the movable and immovable

Appellant
brought a suit for the
office, in 1890, her
claim being based
partly on the
ground of sale in 1837,
and partly on the ground
of a will left by Giriyappa,
but the Dy Comr dis-
missed the suit on the
ground that the village
under Notice was not
included in the sale of
1,837 and that appellant
had no enjoyment
of the Stock in the
village under Notice, and
that the will under which
the claim was advanced
was not true.
In appeal against the Decree
On a careful

of Shankarg
in Kalagiri

examination of the 92
records of the case, the
Govt do not find anything
in it to support the
statement that the village
under notice, Kalgini,
was not included in
the sale of 1837. The
sale deed conveys the
right for the whole Maganı
and the Register of
1844 shows that the
village under notice was
among the villages to which
Krishnappa had right
under the sale deed.
There are also accounts
of 1850-51 to 1870-71
relating to the village

35

(General Serial No. 30)

DEPUTY COMMISSIONER'S OFFICE SHIMOGA DISTRICT
OFFICE OF THE DEWAN OF MYSORE
23 FEB. 92

Dated 189 1281
1.32

~~From~~
To

The Chief Secretary to ~~the Dewan~~ of Mysore.

~~To~~

(6)

Lr 206 91-3

Dated 18th February
Despatched
Received 23/2/92

Enclosures No. 7 ~~returned~~

General No. 911
No. 862

John Dewar 23/2/92

58

His official memo No. 31 dated 7th October 1891 forwarding a petition with 5 enclosures from Ennattaspa of Jade Lorah Taluk, and requesting submission of proceedings and a precis thereof and reminder Docket No. 58 dated 3d Instant.

In returning the petition with its enclosures received

Submitted
to Council
with a suppl.
memo.

1
2/3/92

Posted for 7/3/92
on 7th July 92

4/4/92 4/4/92

4/4/92

7/7/92

7/7/92

7/7/92

Surendranath Sen - Plaintiff

Versus

1 Sudhanshu Sen

2 Purnendu Sen

3 Chandrani Sen

Defendants

36

with the above,
the honour to for
herewith the Reco
in O.S. No. 6 of 189
on the file of this
Court together wit
a Precis thereof.

Abdul Rahman

Deputy Commis

Sd/-

but in the Register of
1865 Giriyappa is entered
as the Shanbhog of Kalgere.
In 1873 the Appellant
was appointed Shanbhog
in the place of Krishnappa
but in the list of villages
submitted by the Amildar
with his recommendation
for the appointment of the
Appellant, Kalgere does
not appear. Giriyappa
died in 1877 and, in
1879 when the Settlement
Patel settlement took
place the 1st Respondent
Gundappa was appointed
Shanbhog of Kalgere
not as an heir to Giri-
yappa but as a Govt
nominee. The Appellant
brought a suit for his
office in 1890 basing
his claim partly on
the sale deed of 1837
& partly on a will
alleged to have been left
by Giriyappa. The Dy
Com^r. dismissed the suit
and the appeal against the

Appellant's family
held duties of the village
under hereditary till
1871. They were after-
wards performed by
one Sinappa on
behalf of the 2d Respt.
Giriyappa enjoying
only the mean lands
of Kalgere without any
service.

in 1874

Dy/Comrs decree.

3 The point for consideration is whether the appellant is entitled to recover the office -

4 The sale of the office in 1837 was illegal and void the recognition of it by the then Ter-authorities. Even if that sale included the village of Kalyere - which it ~~should~~ did not affect the present decision which has to follow the existing arrangement. Assuming that the village was in the appellants family till 1871 (though probably in 1865 there was a change) there is no reason for disturbing the ~~existing~~ arrangement which has existed since 1871 for nearly 20 years. The Appellant cannot now recover in the office ~~the~~ this Appeal dismissed.

Chief Secretary

Print ~~No~~ ↓ No 995 of 27/12/92
Pet. 236-92 To D.C. Shemaga with V. Proc. to receive with his No 911/862 dy 18/2/92

Draft ~~not~~
The Applt is informed that the appeal has been dismissed and